

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

UNITED STATES OF AMERICA,

vs.

KIM DOTCOM *et al.*,

Defendants.

The Honorable Liam O'Grady
Criminal No. 1:12CR3

**RESPONSE OF MPAA MEMBER STUDIOS TO RENEWED MOTION FOR
PROTECTIVE ORDER FILED BY NON-PARTY QTS REALTY TRUST, INC.**

On August 11, 2015, non-party QTS Realty Trust, Inc. ("QTS") filed a motion renewing a motion for protective order previously filed in this case on March 20, 2012, by QTS's predecessor-in-interest, Carpathia Hosting, Inc. ("Carpathia"). Carpathia's earlier motion asked this Court to authorize the "reprovisioning" of Carpathia's computer servers containing the voluminous files collected by Defendants Megaupload and its principals through their alleged criminal copyright infringement scheme (the "Mega Servers"). In its "renewed" motion, QTS states that "[t]he grounds upon which Carpathia's motion is based have not changed since the motion was first filed" and, therefore, QTS relies on the arguments and authorities presented in Carpathia's motion. Mem. In Support of QTS Renewed Motion, Docket No. 218 (Aug. 11, 2015) at 2-3.

On April 2, 2012, the following non-party members of the Motion Picture Association of America ("MPAA") filed a response to Carpathia's motion: Paramount Pictures Corporation, Walt Disney Studios Motion Pictures, Twentieth Century Fox Film Corporation, Universal City Studios LLC, Sony Pictures Entertainment Inc., and Warner Bros. Entertainment Inc.

(collectively, and together with their affiliated companies, the “MPAA members”). *See* Response of MPAA Member Studios to Emergency Motion for Protective Order, Docket No. 54 (Apr. 2, 2012) (“MPAA Response Brief”). Because QTS merely renews and relies on Carpathia’s earlier motion, the MPAA members similarly rely on, and incorporate by reference herein, the MPAA Response Brief in its entirety. As the MPAA members stated in the MPAA Response Brief, “the MPAA members’ principal concern is assuring that adequate steps are taken [to] prevent the MPAA members’ content on the Mega Servers in Carpathia’s possession from falling back into the hands of Megaupload or otherwise entering the stream of commerce. Accordingly, we take no position on whether the more appropriate disposition now is to allow the servers to be reprovisioned or to require them to be preserved in their current state.” *Id.* at 6.

DATED: August 25, 2015

Respectfully submitted,

By: /s/ Julie M. Carpenter
Julie M. Carpenter

JENNER & BLOCK LLP
Julie Carpenter (Virginia Bar No. 30421)
Kenneth L. Doroshow (*Pro Hac Vice to be filed*)
1099 New York Avenue, N.W.
Suite 900
Washington, D.C. 20001
Phone: 202-639-6000
Fax: 202-639-6066

*Attorneys for Motion Picture Association of
America*

CERTIFICATE OF SERVICE

I hereby certify that on August 25, 2015, the foregoing was filed and served electronically by the Court's CM/ECF system which will send a notification of such filing (NEF) to all counsel of record.

Dated: August 25, 2015

By: /s/ Julie M. Carpenter

JENNER & BLOCK LLP
Julie Carpenter (Virginia Bar No. 30421)
1099 New York Ave., N.W.
Suite 900
Washington, DC 20001
Phone: 202-639-6000
Fax: 202-639-6066